

| |
|--|
| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/16/2021 |
|--|

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | |
|---------------------------|---|
| ----- | X |
| | : |
| UNITED STATES OF AMERICA, | : |
| | : |
| | : |
| -v- | : |
| | : |
| | : |
| MAURICE BARNES, | : |
| | : |
| Defendant. | : |
| ----- | X |

1:15-cr-454-GHW-3

ORDER

GREGORY H. WOODS, United States District Judge:


Maurice Barnes pleaded guilty pursuant to a plea agreement to a two count superseding indictment. Count One charged Mr. Barnes with conspiracy to commit Hobbs Act robbery in violation of 18 U.S.C. § 1951. Count Two charged him with possession of a firearm in violation of 18 U.S.C. § 924(c). The “crime of violence” underlying the second charge was the Hobbs Act robbery conspiracy charged in Count One. Dkt. No. 111. On August 30, 2017, the Court sentenced Maurice Barnes following his guilty plea, principally to 96 months imprisonment. Dkt. No. 139.

On June 23, 2020, Defendant filed a motion to vacate his conviction with respect to Count Two under 28 U.S.C. § 2255. Dkt. No. 146. As the basis for the application, Defendant’s motion pointed to *United States v. Davis*, 139 S. Ct. 2319 (2019), in which the Supreme Court held that the residual clause of 18 U.S.C. § 924(c) was unconstitutionally vague. The Government agreed that vacatur of Mr. Barnes’ conviction under 18 U.S.C. § 924(c) was mandated by the Court’s decision in *Davis*. Dkt. No. 149. As the Court stated on the record during the hearing held on March 16, 2021, Mr. Barnes’ application to vacate his conviction under 18 U.S.C. § 924(c) is granted; his conviction for that offense in this case is VACATED.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 146 in this matter. The Clerk of Court is also directed to post this order in the related civil matter at 1:20-cv-4871 and to close that case.

SO ORDERED.

Dated: March 16, 2021



GREGORY H. WOODS
United States District Judge